



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: March 28, 2006

Department: Zoning, Building, and Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: CONSENT: Special Use Permit for Planned Development Area (CSU-50027)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the February 1, 2006 public hearing, the County Planning Commission voted (7-0) to recommend approval of the request for a Special Use Permit for a Planned Development Area on Lot B, located at 609 Tyler Road NE, Lands of An, SRP5-11, zoned A-1, containing approximately 2.93 acres. The decision was based on the following six (6) Findings and subject to the following fifteen (15) Conditions.

Findings:

1. This is a request for a Special Use Permit for a Planned Development Area on Lot B, located at 609 Tyler Road NE, Lot B, Lands of An, SRP5-11, zoned A-1, containing approximately 2.93 acres.
2. The applicants wish to develop a cluster housing development with approximately .95 acre of open space and 1.5 acres of residential development with a density of 2.39 dwelling units per acre.
3. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
4. This request is consistent with Resolution 116-86 in that the applicant has demonstrated that the land use change is more advantageous to the community in that it is consistent with the North Valley Area Plan Policy 7 (Housing) that states "provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles."
5. The request is consistent with Section 18.b.23 of the Bernalillo County Zoning Ordinance in that the applicant has demonstrated the need to vary lot size in accordance with the preservation a portion of the site in its natural form as open space in compliance with the Cluster Housing Guidelines as set forth in the North Valley Area Plan.
6. The request is consistent with the health, safety and general welfare of the residents of the County.

Conditions:

1. The Special Use Permit shall be for up to seven (7) residential lots provided there is at least .95 acres of open space, as shown on the revised site plan, dated 1/23/06.
2. Lighting shall be site specific. Lighting fixtures shall be provided so that no fugitive light crosses onto adjacent lots.
3. Applicants shall obtain an updated Sewer and Water Availability Statement from the City of Albuquerque/Bernalillo County Water Utility Authority and shall connect to municipal water and sewer as prescribed in the statement. A copy of the revised statement shall be submitted to the Zoning, Building, Planning and Environmental Health Department. Water and sewer easements will be required to accommodate the property (drainage facility) to the north, as stated in the Water and Sewer Availability statement.
4. A 4 foot high wood split rail fence shall be constructed along the west, south, and east property lines. The existing 6 foot high chain fence along the north property line that abuts the drainage facility shall remain in place.
5. Applicants shall include with the application for subdivision the revised design plans for the subdivision, including the revised setbacks (as identified on the revised site plan, dated 1/23/06), signage, architectural style (facades, windows, roofs, building materials), and landscaping and fencing to be incorporated in the disclosure statement. A revised draft of covenants shall also be submitted with the application for subdivision.
6. Applicants shall develop landscaping and irrigation for the subdivision prior to issuance of certificates of occupancy to property owners in accordance with the site plan and landscaping plan.
7. A revised grading and drainage plan shall be submitted for review and approval to the Bernalillo County Public Works Division. The grading and drainage plan shall be approved final to the signing of final plat. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
8. A minimum six (6) foot landscape buffer shall be located on the sides of the property abutting residential uses.
9. The applicant shall ensure that the open space is visually accessible to the community and physically accessible to subdivision residents.
10. The subdivision plat shall identify the common open space as shown on the approved site plan. The subdivision plat and disclosure statement shall include a note that the common open space as shown on the plat shall be owned and maintained in perpetuity by the homeowner's association of the subdivision.
11. Any outstanding access issues shall be resolved prior to the final platting action. Improvements may be required to Tyler Road. Required improvements shall be addressed during the subdivision platting action.
12. The applicants shall file a Declaration of Restrictive Covenants and Conditions with the

Bernalillo County Clerk creating a Homeowners' Association. This shall provide for the continuing maintenance of the development infrastructure and open space landscaping and setting forth methods for the ongoing internal enforcement of the conditions of this Special Use Permit.

13. The applicant shall work with the Bernalillo County Public Works Division to design curb and gutter that preserves the rural quality.
14. A revised site development plan consistent with the Conditions of Approval shall be submitted for review to the Zoning Administrator within two months after the final Board of County Commissioners' approval. The revised site plan shall provide detailed access, landscaping (per the recommendations of the Northeast Valley Neighborhood Association), and fencing plans, and shall incorporate additional variation in lot size and shape.
15. The applicants shall comply with all applicable Bernalillo County ordinances and regulations.

ATTACHMENTS:

1. County Planning Commission Notice of Decision Letter (February 6, 2006)
2. County Planning Commission Information Packet.
3. Site Plan (Commissioners Only).

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Approval